Response to Amendment

Specification

1. The substitute specification filed 4/10/08 is approved for entry by the examiner. The substitute abstract is approved.

Drawings

2. The drawings were received on 4/10/08. These drawings are approved by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 and 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (5,648,026: figure 5; column 5, lines 49-56 and column 6, lines 8-17 and 33-

46) taken together with Noguchi et al (EP 562202 A2: figure 22 and column 24, line 54 to column 25, line 30) and Cutler (4,592,239: figures 1-9).

Weiss discloses a blow molding apparatus comprising a blow molding die (represented by bottle 45) having a cavity, a main conduit for supplying gas to the die, a low pressure gas supply source (15) connected to the main conduit via a first supply channel (having valve 44), a controlled valve (44), a high pressure gas supply source (16) connected via a second supply channel, and a second controlled valve (43). The reference does not disclose means for measuring the presence or absence of a gas flow through the channel.

Noguchi et al disclose a blow molding apparatus having defective article determination and discharging stations associated with monitoring of the molding processing equipment during the molding, the apparatus comprising: a blowing air flow meter (314) and a blow air pressure detector (315) within an air supply path, a defective article discrimination control device (300) responsive to the result of detection of the blow air flow meter to output the defective article indicative signal when the blowing air flow meter continues detection of air flow beyond a given period of when the blowing air pressure is lower than a preset pressure of the input device (310).

Cutler discloses multiple pitot tubes (10 and 10a) having entrances (14 and 14a) connected to ports (18 and 18a) to measure the flow of gas within a conduit (4). The reference also discloses a partitioned tube (2) having hollow sections (10 and 30) separated by a partition (8) which feed ports (18 and 34) for measuring flow within a conduit (4) by pressure differential. The reference also discloses spaced pitot tubes

(figure 9). The reference states that by measuring the pressure differential within a flow supply tube overcomes problems with detecting the pressure at the surface of a tube surface.

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Weiss by using an air flow meter and blow air pressure detector within an air supply path to a blowing means of a blow mold as disclosed by Noguchi et al for the purpose of real time determination of defective blown articles while the article is being molded to avoid costly post mold testing equipment. This equates to combining prior art elements known in the blow molding arts to yield predictable results of detecting faulty blown articles while the article is being blown. See KSR Int'l Co. v. Teleflex Inc., 82 USPQ2d 1385. It would have been further obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of the previous combination by using either multiple pitot tubes or a partitioned pitot tube to determine flow rate based upon differential pressure in a conduit as disclosed by Cutler because such use of pitot tubes was well known in the art as a flow meter and one of ordinary skill in the art would expect such a flow meter to function to determine pressure of the fluid within a conduit. The use of the pitot tubes of Cutler equates to an obvious to try rationale of choosing a well known flow meter for replacement in the combination of Weiss and Noguchi et al.

Response to Arguments

6. Applicant's arguments with respect to claims 1 and 3-11 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert B. Davis/
Primary Examiner, Art Unit 1791
7/17/08